

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES BURKE; et al.,
Plaintiffs,
v.
USF REDDAWAY, INC.,
Defendant.

3:13-cv-0017-LRH-WGC

ORDER

Before the court is defendant USF Reddaway, Inc.'s ("Reddaway") motion to dismiss for lack of prosecution. Doc. #95.¹ Plaintiff James Burke ("Burke") did not file an opposition.

On July 2, 2012, Burke filed a complaint against Reddaway in the state of California alleging a single cause of action for negligence. Doc. #1, Exhibit A. On September 5, 2012, the California court determined that Burke was incompetent and granted the application of Burke's daughter, Alyssa Burke, to pursue his claims as his Guardian ad litem ("GAL").

After this action was transferred to this court, the court Burke's counsel's motion to withdraw. *See* Doc. #90. At that time, the court ordered Burke and his GAL to find new counsel before June 27, 2014.² *Id.* Further, Burke was notified in that order that failure to obtain new

¹ Refers to the court's docket number.

² In that order, the court held that prosecution of an action by a GAL is equivalent to prosecution of an action by a corporation, and thus, Burke must be represented by counsel rather than proceed pro se.

1 counsel by June 27, 2014, would result in dismissal of this action. *Id.* However, Burke has failed to
2 find new counsel and has failed to respond in any way to Reddaway's motion. Therefore, the court
3 shall grant Reddaway's motion and dismiss this action for lack of prosecution and failure to comply
4 with the court's order.

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6 IT IS THEREFORE ORDERED that defendant's motion to dismiss (Doc. #95) is
7 GRANTED. Plaintiff's complaint (Doc. #1, Exhibit A) is DISMISSED in its entirety.

8 IT IS SO ORDERED.

9 DATED this 7th day of August, 2014.

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12 LARRY R. HICKS
13 UNITED STATES DISTRICT JUDGE
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